

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 5 and 6 Under 35 USC §112, 2nd Paragraph

This rejection has been addressed by amending claim 5 to be dependent on claim 1, and by reciting “said facility message” so as to clarify that the facility message recited in claim 5 is in fact the one recited in claim 1.

2. Rejection of Claims 1, 7, 8, and 12 Under 35 USC §102(b) in view of U.S. Patent No. 6,424,638 (Ray)

This rejection is respectfully traversed on the grounds that the Ray patent fails to disclose or suggest mobile-Internet-mobile call transfer procedure in which hand-off from a home gateway (the “**first** gateway”) to a local gateway within a second wireless service network (mobile switching center–MSC) into which the caller has roamed (the “**third** gateway”) is invoked by having the third gateway send a facility message to the first gateway, as recited in independent claims 1 and 8. In the system of Ray, the currently serving MSC carries out a transfer to a different type of wireless system by having an Internet gateway select the target MSC and by then having the currently serving MSC (corresponding to the “**first**” MSC) route the communication through the transmitting gateway and an appropriate gateway in the target MSC (which is the callee’s MSC and not an MSC into which the caller has roamed), the target gateway corresponding to the claimed “**second**” gateway and not to a “**third**” gateway.

A description of the claimed handover procedure is found in lines 6-26 on page 6 of the original specification, which provides support for the added claim language. Essentially, the claimed handover procedure involves requires a gateway in the area to which the caller has roamed (the third gateway) to contact the first gateway and takeover communications with the target or second gateway. To accomplish the transfer, *the caller stays in the wireless system* (the second MSC) and *the callee stays in the Internet*, the transfer being accomplished by having the

third and first gateways cooperate to invoke a call transfer supplementary service provided by ITU-T H.225 ((ct.Initiate.Invoke)).

The Ray patent does not disclose any such gateway handover procedure, and in fact is not concerned with such a handover from calling gateway to calling gateway. Instead, Ray is concerned with establishing a call between different types of wireless systems. Only a first gateway and a second gateway is involved. There is no third gateway. As explained in col. 1, line 60 to col. 2, line 12 of Ray, *both the caller and callee are situated in wireless systems*, of different types, and there is no need for or provision made for sending a facility message from the local or “**third**” gateway *back to the first* gateway from which the caller has roamed. In other words, **the Ray patent is only concerned with handoffs from one type of wireless system at one end of an Internet call to a different type of wireless system at the other end, and not to a procedure for changing gateways in response to roaming by the caller.** Therefore, the Ray patent cannot anticipate the claimed invention, and in fact is concerned with an entirely different problem than the claimed invention.

Ray does not specify exactly how messages are routed to the appropriate gateway in the target wireless service area, but there is clearly no need for involvement of a third gateway since routing is handled by the original MSC through the original gateway, with the assistance of the Internet gatekeeper. As a result, it is respectfully submitted that the Ray patent does not anticipate the invention as presently claimed, and withdrawal of the rejection of claims 1, 7, 8, and 12 under 35 USC §120(b) is respectfully requested.

3. Rejection of Claims 2-4 and 9-11 Under 35 USC §103(a) in view of U.S. Patent Nos 6,424,638 (Ray) and 6,603,849 (Lin)

This rejection is respectfully traversed on the grounds that Lin patent, like the Ray patent, fails to disclose or suggest the claimed use of a facility message from a “third gateway,” located within a “second” MSC into which the caller has roamed, to a “first gateway,” located in the first MSC from which the caller has roamed, in order to initiate a call through a “second gateway” at

the other end of the call. Instead, as explained above, the Ray patent discloses routing of the message by the first or caller's MSC to the MSC of the callee through a gateway selected by an Internet gatekeeper, *i.e.*, to a gateway corresponding to the claimed second gateway (the gateway at the terminating end of the call), while the Lin patent discloses a conventional call transfer procedure involving a facility message to an Internet gatekeeper rather than directly from a third gateway in the roaming MSC to a first gateway in the caller's original MSC.

It is true that Lin discloses use of a facility message, but only from the caller's new MSC to the gatekeeper, and only to re-direct the call back into the wireless network (PLMN), as explained in col. 4, lines 14 *et seq.* of Lin. The facility message mentioned in this passage of Lin is not from a third gateway to the first gateway, as claimed. Instead, Lin discloses essentially the same cumbersome MSC-PSTN-GW-PSTN-MSC path depicted in Fig. 3 of the present application, with the facility message being used to register with the gatekeeper (corresponding to the registration recited in claims 3 and 10), and **not** for the handoff from a first gateway to a third gateway as recited in claims 1 and 8. The claimed invention greatly simplifies the handoff procedure precisely because it does not have to concern itself with the different wireless network protocols, but rather accomplishes the handoff using entities (the first and third gateways) that share a communications standard.

It is true that the claimed invention also involves communications between the first gateway and a gatekeeper, as disclosed in the Lin patent and recited in claim 6. However, the first gateway does not need to communicate with the gatekeeper until "said call transfer procedure is completed" (claim 6), at which time the first gatekeeper unregisters with the gatekeeper. In the claimed invention, unlike the Lin patent, the gatekeeper is only used for registration, unregistration, and other usual gatekeeper functions, and not to initiate a transfer function between first and third gateways that serve the caller as he or she roams from a first to second MSC.

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As a result, it is respectfully submitted that the Ray and Lin patents, whether considered individually or in any reasonable combination, could not possibly have suggested the claimed invention, and withdrawal of the rejection of claims 2-4 and 9-11 under 35 USC §103(a) is respectfully requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. E. Urcia', with a long horizontal flourish extending to the right.

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